

APR 21 2005

PTO/SB/64 (10-01)

Approved for use through 10/31/2002. OMH 0651-0031

United States Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FOR REVIVAL ON AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)		Docket Number (Optional) 200308756-02 (1509-498)
First named inventor: Kensuke MORITA		
Application No. 10/840,221	Art Unit:	
Filed: May 7, 2004	Examiner:	
Title: DRAWING SYSTEM AND DRAWING METHOD		
Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450		
<p>NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305 9282</p> <p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The due date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus extension of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <ul style="list-style-type: none"> (1) Petition fee; (2) Reply and/or issue fee (3) Terminal disclaimer with disclaimer fee — required for all utility and plant applications filed before June 8, 1995; and for all design applications; and (4) Statement that the entire delay was unintentional. <p>1. Petition fee</p> <p><input type="checkbox"/> Small entity-fee \$ <u>750.00</u> (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.</p> <p><input checked="" type="checkbox"/> Other than small entity - fee \$ <u>1,500.00</u> (37 CFR 1.17(m))</p> <p>(Fees are to be charged to Deposit Account No. 08-2025)</p> <p>2. Reply and/or fee</p> <p>A. The reply and/or fee to the above-noted Office action in</p> <p>The form of <u>Response to Notice to File Missing Parts</u> (identify type of reply)</p> <p><input type="checkbox"/> has been filed previously on _____</p> <p><input checked="" type="checkbox"/> is enclosed herewith.</p> <p>B. The issue fee of \$ _____</p> <p><input type="checkbox"/> has been filed previously on _____</p> <p><input type="checkbox"/> is enclosed herewith.</p>		

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Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistance Commissioner for Patents, Washington, DC 20231

PTO/SB/64 (10-01)

Approved for use through 10/31/2002. OMB 0691-0031

United States Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. (NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))).

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit information and authorization on PTO-2038.

April 21, 2005
Date

Alan M. Lowe
Signature

Telephone
Number (703) 684-1111

Alan M. Lowe, Reg. No. 19,641
Typed or printed name

LOWE HAUPTMAN & BERNER, LLP
CUSTOMER NO. 22420
1700 Diagonal Road
Suite 300, Alexandria, Virginia 22314
Address

- Enclosures:
- ☒ Fee Payment (Fees are to be charged to Deposit Account No. 08-2025)
 - ☒ Reply
 - ☐ Terminal Disclaimer
 - ☒ Additional sheets containing statements establishing unintentional delay
 - ☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
- ☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 298-6976 312-9306
- April 21, 2005
Date

Tracy A. Luke
Signature

Tracy A. Luke
Type or printed name of person signing certificate

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APR 21 2005

Docket No.: 200308756-02 (1509-498)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :
Kensuke MORITA :
U.S. Patent Application No. 10/840,221 : Group Art Unit:
Filed: May 7, 2004 : Examiner:
For: DRAWING SYSTEM AND DRAWING METHOD

STATEMENT REGARDING UNINTENTIONAL ABANDONMENT

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The following statements are submitted in support of the 37 CFR 1.137(b) petition filed concurrently herewith.

It has recently come to the attention of the attorney for applicant that the above-referenced application has become unintentionally abandoned for failure to file a response to the Notice to File Missing Parts.

Normal procedures for forwarding PTO correspondence were not followed and the Notice to File Missing Parts was inadvertently not forwarded to U.S. counsel by applicant representative. Upon receipt of the Notice of Abandonment mailed April 8, 2005, applicant representative contacted U.S. counsel to inquire why a response was not timely filed because the executed declaration was forwarded to U.S. counsel on June 21, 2004.

Undersigned attorney informed applicant representative that our policy is to file the executed Declaration without waiting for a Notification of Missing Requirements for U.S. National Phase applications. However, for non-National Phase applications (such as this application), we do not file the Declaration until we receive the Notice to File Missing Parts.

Thus, the entire delay in filing the Response to the Notice to File Missing Parts from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

Docket No.: 200308756-02 (1509-498)

PATENT

A Response to the Notice to File Missing Parts is being filed concurrently.

Favorable consideration of the 37 CFR 1.137(b) petition is courteously solicited.

Respectfully submitted,

LOWE HAUPTMAN & BERNER, LLP



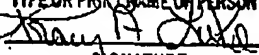
Allan M. Lowe

Registration No. 19,641

LOWE HAUPTMAN & BERNER, LLP (22429)
1700 Diagonal Road, Suite 310
(703) 684-1111 AML/tal
Facsimile (703) 518-5499

CERTIFICATION OF FACSIMILE TRANSMISSION
I HEREBY CERTIFY THAT THIS PAPER IS BEING FACSIMILE
TRANSMITTED TO THE PATENT AND TRADEMARK OFFICE
ON THE DATE SHOWN BELOW

Tracy A. Luke
TYPE OR PRINT NAME OF PERSON SIGNING CERTIFICATION

 4/21/05
SIGNATURE DATE

1031308-69110 872-9306
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